

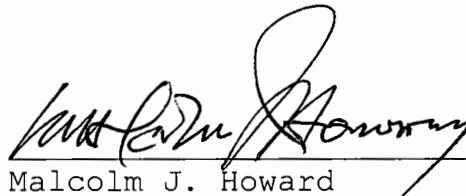
Brady is not applicable here, as the records sought are not in the possession of the government. The United States Probation office is not part of the U.S. Attorney's office or the executive branch. U.S. Probation is part of the judicial branch of government. United States v. Washington, 146 F.3d 219, 223 (4th Cir. 1998).

Although Fed.R.Crim.P. 32.1(b)(2)(B) provides that a defendant is entitled to "disclosure of the evidence against him" when facing revocation of supervised release, the Third Circuit Court of Appeals has noted that neither that rule nor case law can be read "to require automatic production of a probation officer's entire file, even where the officer is a witness ." United States v. DeRewal, 66 F.3d 52, 56 (3d Cir. 1995).

United States v. Rockot, 2013 WL 5536224, at *2 (W.D. Pa. Oct. 7, 2013).

Finding defendant's motion lacks a legal basis for the release of the requested documents, the motion is DENIED.

This 24th day of May 2018.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", written over a horizontal line.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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